

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
MARCH 25, 2003
DRAFT MINUTES NOT APPROVED BY BCC
ANTICIPATED DATE OF APPROVAL: APRIL 8, 2003

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thaell, Winchester, Proctor, and Rackleff (Commissioner Maloy was not present). Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Assistant County Administrator Vince Long, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Chaplain Johnson at the invitation of Chairman Grippa and was followed by the Pledge of Allegiance to the Flag.

The Chairman announced that Commissioner Thaell would be approximately 10-15 minutes late attending the meeting. He was attending Florida Association of Counties meeting at the Legislature on behalf of Leon County.

Consent Agenda

Commissioner Sauls moved, duly seconded by Commissioner Winchester and carried unanimously, 4/0 (Commissioners Thaell, Proctor, and Maloy were not present); to approve the following Consent Agenda with the exception of Item 12 which were addressed as described: (The County Administrator reported that Commissioner Thaell requested for Item 12 to be pulled and he would address it when he arrives.)

1. Approval of Minutes:

The Board approved the Minutes of February 18, 2003 Regular Meeting.

2. Approval of Payment of Bills and Vouchers

The Board approved Option 1: Approve payment of bills and vouchers submitted for March 25, 2003 and pre-approve payment of bills and vouchers for the period of March 26, 2003 through April 7, 2003: \$2,954,414.44.

3. Consideration of Request for Proposals (RFP) for Conflict Attorney Services for Traffic/Misdemeanor Cases

The Board approved Option 1: Find it in the best interest of Leon County to declare the bid proposal of Banks & Morris, P.A., the lowest responsive bid, and to authorize the Chairman to execute a contract for the provision of legal services in Misdemeanor and Traffic cases where the Public Defender has a conflict of interest.

4. Update on Bradfordville Settlement Agreements

The Board approved Option 1: Accept the status report on the Bradfordville Settlement Agreements

5. Request to Schedule a Metropolitan Planning Organization (MPO) Workshop on Tuesday, May 27, 2003 from 2:30 – 4:00 P.M.

The Board approved Option 1: Schedule a Metropolitan Planning Organization Workshop on Tuesday, May 27, 2003 from 2:30 p.m. to 4:00 p.m. to discuss new processes and responsibilities due to the designation of the Metropolitan Planning Organization as a Transportation Management Area and approve the presentation on the ongoing design for the Gaines Street project.

6. Acceptance of Three (3) Conservation Easements for Mack Brothers Nursery Expansion

The Board approved Option 1: Approve and accept for recording the three (3) conservation easements for Mack Brothers Nursery Expansion. (The grantor of the three easements are Steven J. McElory.)

7. Approval of One Year Extension of Contract for Purchase of B.t.i Granules from Clarke Mosquito Control

The Board approved Option 1: Approve the one-year extension of Bid Number BC-12-20-01-12, Purchase of B.t.i. Granules, with Clarke Mosquito Control.

8. Approval and Award of Bid for a Mobile Vacuum Trash Collector to Florida Municipal Equipment, Inc., in the amount of \$25,395

The Board approved Option 1: Approve and award the bid in the amount of \$25,395 to Florida Municipal Equipment, Inc., for a Mobile Vacuum Trash Collector 101 to use at the Solid Waste Transfer Station.

9. Acceptance of a Modified Grant Award from the Department of Community Affairs to Purchase Additional Portable Changeable Message Boards

The Board approved Options 1 and 2: 1) Approve the modification to the sub-grant agreement with DCA; 2) Approve the attached resolution and budget amendment request:

10. Request to Approve Revisions to Leon County Division of Animal Control Policy and Procedure Manual

The Board approved Option 1: Approve revisions to Leon County Division of Animal Control Policy and Procedure Manual.

11. Acceptance of Drainage Easement for Meridian/Maclay Intersection Improvements

The Board approved Option 1: Accept drainage easement from Alfred B. Maclay, Jr., Private Day School, Inc. in favor of Leon County.

The Board then entered discussion on Item 13 and waited for Commissioner Thael to return so he could address Item 12.

12. Voluntary Annexation, Bobbin Brook East/Maclay Road

This item was pulled by Commissioner Thael who advised that this item should have been placed under "General Business" on the agenda rather than under "Consent." The Chairman explained that he mistakenly instructed staff to place the item on "Consent" rather than under "General Business."

Commissioner Thael moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Maloy was not present), to approve Option 1: Approve the voluntary annexation of the residential parcel in the Bobbin Brook Subdivision (Bobbin Brook East/Maclay Road) by the City.

The Board entered discussion of Item 18.

General Business

Commissioner Proctor arrived at approximately 5:07 p.m.

13. Approval of Transfer Station Agreement with the City of Tallahassee; Revisions to County Policy No. 94-1, "Landfill Rate Stabilization Reserve;" and Revisions to All Existing and Future Interlocal Agreements with the City of Tallahassee to Include Binding Arbitration

This item involves approval of the proposed Transfer Station agreement with the City of Tallahassee and associated revisions to the County Rate Stabilization Policy 94-1 and approval to amend

all existing and future agreements with the City to include binding arbitration as a means to resolve disputes.

Commissioner Sauls moved, duly seconded by Commissioner Rackleff and carried unanimously, 5/0 (Commissioners Maloy and Thaelle were not present), to approve Options 1, 2, and 3: 1) Approve the proposed Interlocal Agreement with the City of Tallahassee for solid waste disposal service and the proposed modifications to County Policy 94-1 "Landfill Rate Stabilization Reserve;" 2) Approve the addendum to the existing contract with Waste Management, Inc. to include indemnifying the City of Tallahassee and authorize the Chairman to execute; 3) Approve the inclusion of the dispute resolution language utilized in the Transfer Station Agreement in all existing City/County agreements and authorize the Chairman to execute.

14. Approval to Issue an Invitation to Negotiate (ITN) for Air Ambulance Emergency Medical and Transport Services

Commissioner Sauls moved, duly seconded by Commissioner Winchester and carried unanimously, 5/0 (Commissioners Thaelle and Maloy were not present), to approve Option 1: Direct staff to issue the Invitation to Negotiate for air ambulance emergency medical and transport services.

15. Acceptance of Report on Mortgage Discrimination and Fair Housing Issues in Leon County

The purpose of this agenda is to provide the Board with information about any potential patterns of mortgage discrimination occurring in Leon County. On November 19, 2002, the Board requested that staff provide an agenda item regarding mortgage discrimination and not doing business with local banks or financial institutions that have poor track record of giving loans to minorities. This issue came up during the discussion regarding the Affordable Housing Mortgage Financing Workshop conducted on March 13, 2001. It was noted that Commissioner Rackleff submitted questions and staff provided a response, which is provided in the "additional information."

Commissioner Proctor engaged in discussion regarding the poor track record of Wachovia Bank (formerly First Union) citing figures, which indicate that business is not being conducted with minorities. He suggested that the County discontinue using Wachovia Bank as depository of the County's money and to not renew their contract with Leon County. Commissioner Proctor

suggested that according to the figures, Bank of America has a 45% rate of rejection to African-Americans and 33% rejection of Hispanic. Commissioner Rackleff indicated that most of the local lending institutions had a poor record, particularly as it relates to loans in the Southern Strategy area and suggested that the issue be more thoroughly researched and for staff to come up with a strategy to get more mortgage and lending institutions to participate.

County Administrator Alam advised that the Clerk is responsible for selecting the bank for County deposits and Wachovia Bank is the one that is used and the contract is coming up for renewal in August. Chairman Grippa indicated that the Clerk was probably not aware of these figures. He pointed out that other institutions such as Capital City Bank, Sun Trust, and First South appear, from the numbers, to be good corporate citizens and not redlining certain loans. The Board engaged in discussion about the Clerk reviewing this data since he selects the depository bank. Bill Bogan, Jr, Finance Director, advised that the contract with Wachovia Bank is up in August and there is a one year automatic renewal. He explained that he has talked with Ms. Murphy about putting a provision in the RFP relating to how banks interact with local communities. Mr. Bogan advised that the revenues that the County received from interest earnings from Wachovia in the past years has allowed the County to utilize that in a meaningful way (approximately 3 million dollars over period of four years in extra earnings). He also pointed out that changing banks is an extensive undertaking and involves a transitional phase.

Commissioner Rackleff moved and was duly seconded by Commissioner Proctor to continue this item, direct staff to conduct additional research, bring in outside help from the universities, make additional contacts to develop a more comprehensive view of the lack of home mortgage lending in the southern strategy area and adjoining area, in a way that can lead the Board to meaningful solutions. Vice-Chair Sauls assumed the Chair and Commissioner Grippa suggested a friendly amendment, which was accepted, to make the Clerk aware of this issue so he can come back to the Board and discuss the County's future business relationship with Wachovia Bank or a bank that appears to be discriminatory (according to the figures listed in the agenda request) and is not providing loans in the southern strategy area. The motion carried unanimously, 5/0 (Commissioners Thael and Maloy were out of the Chambers).

As a point of information, Shelley Murphy, Community Development and Housing, explained that the Big Bend Fair Housing Center received one million dollars from HUD for a three-year grant for education, outreach, and enforcement of fair housing discrimination. Ms. Murphy explained that is why staff recommended partnering with Big Bend Fair Housing, a non-profit organization, to help further investigate these issues. There will be a grand opening for the Center on April 28, 2003 and everyone is invited.

Commissioner Rackleff remarked that one of Fannie Mae's goals is to expand home ownership especially among lower-income working families and has a progressive policy on this. He explained that Fannie Mae has partnered with organizations where they set aside a mortgage pool to partner with several credit unions to buy their mortgages under certain criteria. Commissioner Rackleff suggested that it would be useful to contact them and Ms. Murphy responded that she had contacted them.

(Commissioner Thaell arrived at 5:44 p.m.)

16. Voluntary Annexation Parcel Identification No.21-17-51-000-100-0, Fred George Road-Goose Creek Developers

The owners of one parcel, containing approximately 100 acres and fronting Fred George Road, have petitioned the City Commission for annexation into the City. The City Commission has set a public hearing for this issue on March 26, 2003. The acreage is undeveloped property fronting Fred George Road and the proposed annexation area is located in the Urban Services Area. It is zoned R-3, single and two-family residential district. County Administrator Alam explained that County Attorney Thiele originally recommended denial because it does not meet Florida Statutes. Mr. Thiele reported that the maps that staff utilized for the review came from the GIS System and at the time, did not show any space between the annexed property and the property which abuts it to the west. The map which is now in the agenda package, the one he got from the City Attorney's Office, shows that they are, indeed, not annexing the railroad tracks that run along the easterly portion of the property. It is their position that they have not created a new enclave by that action. Chairman Grippa explained that the Board has previously voted to allow the applicants to move forward with their development; they took extra time to work things out with the neighborhood.

Commissioner Winchester emphasized the importance of addressing stormwater, traffic, and the northwest park issue which was previously discussed, and that the County conduct an assessment of Fred George basin to address the stormwater problems which the residents have been facing. Commissioner Rackleff explained that the reason he was persuaded to support the annexation is that the subject 100 acres is vested for 717 dwelling units; this will now be in the City limits and City taxes will fund urban services.

Commissioner Winchester moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Maloy was not present), to approve Option 2: Do not object to the City annexation of the property.

17. Appointments to Two (2) Members to the Tourist Development Council

Commissioner Winchester moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Maloy was not present), to approve Option 1: Appoint two elected municipal officials to the Tourist Development Council: City Mayor John Marks and City Commissioner Mark Mustian.

The Board then entered discussion regarding Item 12.

18. Expirations, Vacancies and Appointments to Various Boards and Committees

The Board made the following appointments:

Architectural Review Board: Christine Coble, Agenda Coordinator, explained that Commissioner Proctor's appointment of Dr. Mohammed was not eligible for the appointment at this time since the appointment should be a historic district owner, which he is not. Commissioner Proctor moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Maloy was not present), to appoint Jason Hight (a historic district owner). The Chairman suggested that Dr. Mohammed should be considered for the next available appointment.

Canopy Oaks Recreational Council: Commissioner Proctor continued his appointment to April 8, 2003.

Child Care Licensing Advisory Board: Commissioner Rackleff moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Maloy was not present), to reappoint Jo Shuford-Law, Betty Miller, and Sylvia Nelson.

Contractors Licensing and Examination Board: Commissioner Proctor reappointed Dr. William Muldrow. Commissioner Winchester reappointed William Ervin.

Housing Finance Authority: Commissioner Winchester appointed Penny Herman.

Neighborhood Recognition Board: Commissioner Winchester appointed Pat Wright.

Science Advisory Committee: Commissioner Rackleff appointed Helge Swanson; Commissioner Sauls reappointed Dr. Charles Rockwood; Commissioner Thaell reappointed Dr. Bruce Means.

Woodville Recreation Council: Commissioner Thaell appointed Shelly Murphy.

19. Approval for Sabbatical With Pay for County Administrator

Commissioner Winchester moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Maloy was not present), to authorize a sabbatical with pay for County Administrator Parwez Alam from April 1, 2003 through May 6, 2003.

Since there was a couple of minutes before the 6:00 p.m. public hearings, the Chairman suggested Commissioners share stories if they so desired. Commissioner Thaell remarked that he spent September 11, 2001 at the TMH emergency room, which is where he learned of the terrorist attack.

Public Hearing

20. Conduct Public Hearing to Adopt Ordinance Amending Section 10-1527 of the Leon County Code of Laws, Land Development Code, to Permit Recognition of Access for Certain Permits

Pursuant to the following legal advertisement, a public hearing was conducted to consider adoption of an ordinance amending Section 10-1527, Leon County Code of Laws, to permit recognition of access for certain permits.

County Attorney Thiele explained that staff was directed to work with George Lewis regarding an issue regarding legal access for someone who could not obtain an easement. Staff was directed to go back and fix the problem; the issue has gone through the Planning Commission review and is presented to the Board for consideration.

Commissioner Thael moved, duly seconded by Commissioner Rackleff to approve Option 1: Conduct the public hearing and adopt the attached Leon County Ordinance Number 03-05 amending Section 10-1527 of the Leon County Code of Laws, Land Development Code, to Permit Recognition of Access for Certain Permits.

Citizen, Thelma Washington, 8112 Roberts Road, appeared and read a memorandum and submitted it to the Board along with other documentation. She stated that approximately three years ago she organized efforts for an access for ingress and egress on her property for all concerned to use by eliminating some of the roads and trails. She stated that this is working for all concerned except for one person, Al Washington, who is attempting to have the road developed at her driveway, which crosses over to her lawn. Ms. Washington asked that the Board provided assistance. County Attorney Thiele advised that adoption of the ordinance would not exacerbate Ms. Washington's problem and he would investigate the matter.

The motion carried unanimously, 5/0 (Commissioners Grippa and Maloy were out). See attached Ordinance Number 03-05:

21. Conduct First and Only Public Hearing on Ordinance to Provide a Property Tax Reduction or Construction to House Elderly Relatives

Pursuant to legal advertisement, a public hearing was conducted to consider adoption of an ordinance to implement a property tax reduction for construction or reconstruction on homestead property to house for the natural or adoptive parents or grandparents of the owners or owner's spouse, who are at least 62 years of age.

Citizen, Bob Fulford, 231 Westridge Road, explained that he was not opposed to the basic notion of the proposal but remarked that he has worked with neighborhoods who were under pressure for student housing. He urged the Board to be careful when adopting the ordinance because it may result in properties that have additional space and are used for student housing, which is not the intent of the ordinance. Mr. Fulford remarked that the City has an ordinance that is supposed to prohibit improper use of the property but it is difficult to enforce. He urged the Board to continue this item until it is reviewed further.

Vice-Chair Sauls assumed the Chair. Commissioner Grippa moved, duly seconded by Commissioner Rackleff to approve Option 1: Conduct the public hearing and adopt the attached ordinance Number 03-06 to provide property tax reduction for construction to house elderly relatives. The motion carried unanimously, 6/0 (Commissioner Maloy was not present).

22. Conduct the Public Hearing on Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from M-1, Light Industrial District, to OR-2, Office Residential District (RZ #363)

Pursuant to legal advertisement, a public hearing was conducted to consider a proposed ordinance to change the M-1 light industrial district to an OR-2 office residential district. The property is located at the southwest corner of Cottage Grove Road and North Monroe Street and consists of 1.12 acres.

Commissioner Proctor inquired about whom could initiate a rezoning request. Wayne Tedder, Planning Department, responded that the Planning Commission initiated this rezoning based on the non-conforming provision; in 1997 when the mass site specific rezoning was done, this property was rezoned inappropriately at that time for the use that was on the property. Mr. Tedder explained the Rezoning Code allows for the Planning Commission, County Commission, or the property owner to rezoning properties.

Commissioner Sauls moved, duly seconded by Commissioner Thaeil and carried unanimously, 6/ 0 (Commissioner Maloy was not present), to approve Option 1: Adopt the attached Leon County Ordinance Number 03-07 amending the Official Zoning Map to change the zone classification from M-1 light industrial district to OR-2 office residential district, based on the findings noted above. See attached Ordinance Number 03-07:

23. Conduct Public Hearing on the Proposed Ordinance to Provide for Additional Level of Review for Certain Land Development Proposals

This public hearing is the first of two on the proposed amendments to the Subdivision and Site and Development Plan Regulations Ordinance to provide for an additional level of review for certain land development proposals based on the project's anticipated off-site impacts. (This would allow for certain proposed projects to be elevated to the Board of County Commissioners for final review and approval.)

The proposed ordinance will provide the ability for the County Administrator or designee to elevate proposed developments from the Type B to the Type C development review process. Under the Type B review process, the County's Development Review Committee (DRC) has the authority to review and grant final approval for proposed land development projects. Under the Type C review process, the DRC reviews the proposed project and provides a recommendation to the Board who makes the final decision of the development proposal. The County's current regulations provide for the ability to elevate Type A level review project to the DRC as Type B level review. The proposed ordinance will establish a similar authority for the elevation of Type B projects to a Type C level review.

Commissioner Sauls moved and was duly seconded by Commissioner Thaell to approve Options 1 and 2: 1) Conduct the first of two Public Hearings on the proposed amendments to the Subdivision and Site and Development Plan Regulations Ordinance to provide for an additional level of review for certain land development proposals; 2) Notify the public that the second and final public hearing on the proposed amendments to the Subdivision and Site and Development Plan Regulations to provide additional level of review for certain land development proposals is scheduled for April 15, 2003 at 6:00 p.m.

Staff indicated that they did not anticipate more than 2-3 type of projects per year that would be reviewed by the Board. Commissioner Proctor asked if there were any projects underway that would need to go through this type of review. David McDevitt, GEM, explained that he was not aware of any project at this time, although he has had current discussions with the owners of the airport on 27 North for extension of the runway. This could possibly be a project that would warrant elevation to the Board for

final review and approval under the criteria that is being proposed in the ordinance today.

Commissioner Rackleff voiced concern about general language; basically it says that any residential or non-residential project with unique locational characteristics arising from proximity to existing or approved development that could potentially result in extraordinary off-site impacts resulting from noise, order, lighting or other impacts not specifically addressed in Chapter 12 as determined by the County Administrator or his designee would be reviewed by the Board. He opined that the ordinance was subjective, not restrictive enough and would open a Pandora's box.

Commissioner Sauls reminded the Board that they asked staff to bring this forward so the Board would have the option for this type level of review. She stated that it is the duty of elected officials to hear controversial issues that the citizens bring forward.

Commissioner Winchester stated that the reason this came about was because of the racetrack on Highway 90. He wanted to know if there was another way to deal with this problem and to address projects that fall through the cracks that have impacts that were not anticipated. He suggested looking at the zoning code or ordinances that are in place and further define criteria rather than creating a new ordinance that creates more levels in the permitting process. Commissioner Winchester remarked that there may be a better tool to address this issue and urged the Board to find another way to accomplish the same objective.

County Attorney Thiele reminded the Board of the projects that came before the Board a few years ago such as Marsh Landing and indicated that the Board would need to prepare itself to hear those types of projects and go through that extensive level of review if the proposed ordinance is adopted. He pointed out that if the Board wants to have larger projects to come through the system, they need to look at the objective thresholds in the ordinance.

Chairman Grippa asked if there was a way for the County to intervene in a particular project and Mr. Thiele responded that the mechanism for review needs to be set up ahead of time so there is no perception, real or perceived, that the Board is picking and choosing a project to review based on non-objective criteria.

Commissioner Rackleff suggested that the County Attorney conduct additional research to determine if there are more predictable ways for the Board to decide. Mr. Thiele pointed out that as a result of the changes in Chapter 163 of the impact of the *Snyder and Jennings decisions*, most all of the local governments

in the State of Florida have started, if not completely, to delegate the authority for all development approvals; because these are quasi-judicial procedures that have evidence and witnesses and cross examinations, almost all of the City and County Commissions have taken themselves out of that loop completely. Mr. Thiele suggested, if the Board wants this issue to be reviewed further, that the public hearing be continued to the end of April to allow him time for further review and he would provide more material at that time.

Commissioner Sauls moved to amend the motion, seconded by Commissioner Thaell, to continue the public hearing to April 29, 2003 at 6:00 p.m. The motion carried unanimously, 5/0 (Commissioners Maloy and Proctor were not present).

24. Conduct Public Hearing on the Proposed Amendments to the Boundary Settlement Exempt Subdivision Regulations to Provide for Additional Exemptions for Family Owned Properties

The proposed ordinance puts into place the ability to do boundary settlements that the Board adopted as a policy and it now puts it into the Code. The proposed exemption will allow for the adjustment on common property boundary lines for the sole purpose of allowing the construction of an addition to an existing single family home. Additionally, this exemption will be limited to property that is family-owned as defined in the Florida Statutes. It will provide, under certain circumstances, family-owned properties an additional exemption from the review and affidavit-recording processes currently associated with the boundary Settlement Exempt Subdivision process.

Commissioner Thaell moved, duly seconded by Commissioner Winchester and carried unanimously, 5/0 (Commissioners Maloy and Proctor were not present), to approve Options 1 and 2: 1) Conduct the first of two Public Hearings on the proposed amendments to the Boundary Settlement Exempt Subdivision Regulations; 2) Notify the public that the second and final public hearing on the proposed amendments to the Boundary Settlement Exempt Subdivision Regulations is scheduled for April 15, 2003 at 6:00 p.m.

25. Conduct Public Hearing on the Proposed Amendments to the Vested Rights Review Ordinance to Provide for the Reestablishment of Vested Development Rights to Planned Unit Developments

Commissioner Thael moved, duly seconded by Commissioner Winchester and carried unanimously, 5/0, (Commissioners Maloy and Proctor were not present), to approve Options 1 and 2: 1) Conduct the first of two public hearings on the proposed amendments to the vested rights review ordinance to provide for the reestablishment of vested development rights to Planned Unit Developments; 2) Notify the public that the second and final public hearing on the proposed amendments to the Vested Rights Review Ordinance to provide for the reestablishment of vested development rights to Planned Unit Developments is scheduled for April 15, 2003 at 6:00 p.m.

Citizens to Be Heard:

- a. Bob Fulford, 231 Westridge Road, referred to Item 21 and stated that he does not want to give the impression that he is opposed to construction of a facility for in-laws or parents; he simply does not want the exemption to be misused. Chairman Grippa stated for the record, that Mr. Fulford is an advocate for Better Transportation for the Elderly and an advocate for Senior Homestead Exemption.

Regarding the same issue, Commissioner Winchester stated that there are problems with enforcement of the City's "unrelated persons" ordinance particularly around the Tharpe Street area. He suggested that at the next Mayor/Chairman meetings, that this be an item of discussion. He also stated that there are areas immediately outside of the City that are experiencing some of the same symptoms and he referenced an apartment complex on Sharer Road. Commissioner Winchester suggested that the County obtain a copy of the City's ordinance and see if there is an overlap that can be used in certain situations, in densely populated areas adjacent to City limits. Chairman Grippa advised that he would talk to City Mayor Marks regarding this item and report back to the Board.

- b. Becky Subrahmanyam 1257 Cornerstone Lane, circulated a packet of material, which includes some questions concerning the Seminole Raceway Project (and is the same material that was provided in a declaratory statement). (Last week she circulated information that dealt with omissions in the application.) She explained that last week after she left the Board meeting, she had some questions because her understanding of what the Board did differs from the County Attorney's view. Ms. Subrahmanyam explained that questions specifically have to do with why Commissioners did not have the opportunity to review the raceway

project in the first place and engaged in discussion about the raceway being constructed in a wetland and other issues.

County Attorney Thiele explained that last week the Board directed the Office of Management and Budget (OMB) to conduct an independent audit and the County Attorney's office is not involved until staff comes back with questions. Chairman Grippa suggested that the information circulated by Ms. Subrahmanyam be given to OMB to include that in their review. Mr. Thiele explained that OMB is going through all the sets of information that were provided and will be preparing a response to questions as part of the package that comes back to the Board. The Chairman directed that the document provided today should be provided to OMB and that they provide a response to each question. The Board engaged in some discussion with Ms. Subrahmanyam regarding the questions she circulated. Mr. Thiele explained that staff would provide responses to the Board regarding all the issues. It was noted that the next recourse for resolution of the issue is through the Circuit Court.

County Administrator Alam explained that he talked to Commissioner Sauls earlier about issues such as conflict of interest in staff reviewing this issue and of securing an outside party to conduct or assist with the review. County Administrator Alam pointed out that after staff conducts the report and staff does not feel it is complete or thorough, then they could obtain an outside party to conduct a review. He also indicated that the Board could retain an outside consultant to assist OMB with the review. It was noted that the building permit for the raceway has not been applied for yet and staff will complete the review prior to the project receiving a final approval from the County to start construction work.

Commissioner Thaell suggested that if OMB needs expertise advice and they do not have it in house, there are other resources such as a Thousand Friends of Florida who could be used. He stated that he wanted to focus on the fairness and legality of the issue.

Commissioner Proctor moved and was duly seconded by Commissioner Rackleff to allow the County Administrator or the County Attorney to obtain expert advice to guide them in this process (regarding the review of the permitting process of this land development). Commissioner Thaell advised that it was inappropriate, out of the Board's rules and procedures, to bring up a substantive issue at the end of the meeting without being placed on the agenda. Commissioner Rackleff indicated that when staff is

instructed to do a project, it is implicit in the direction that they obtain outside help of a limited nature when it is necessary. The Board concurred.

Mr. C. B. Subrahmanyam, 1257 Cornerstone Lane, suggested that the Board obtain outside advice to avoid a conflict of interest, which would also be helpful. He remarked that the definitions outlined in the Zoning Code and the Comprehensive Plan should be adhered to and should not be loosely interpreted. He alleged that the permit for the racetrack has been issued with a lot of errors and should be resolved.

County Administrator

- a. Thanked the Board for granting his request for a sabbatical.
- b. Add-On Item: Request from Valerie Hubbard, Planning Department, to cancel the April 8, 2003 Joint Adoption Public Hearing and reschedule the Cycle 2003-1 Adoption Public Hearing for May 13, 2003. The Board concurred.

Discussion Items by Commissioners

Commissioner Thael:

- a. Announced that for Earth Day, City/County Keep Tallahassee Leon County Beautiful and Southern Waste Information Exchange along with private sponsors are putting together an event at Home Depot on Earth Day to collect waste tires, electronics, hard bound books, and aluminum cans on April 26, 2003. They have asked the Board to honor them with an Earth Day resolution and the Board concurred.
- b. Reported that that tomorrow is the Florida Association of Counties (FAC) Legislative conference beginning at 9:30 a.m. at the Civic Center. There are 215 County Commissioners from around the state who will be here in Tallahassee tomorrow speaking directly to legislators about the proposed cost shifts to counties across the state; proposals are being offered to balance the state's budget on the backs of county tax payers. Commissioner Thael encouraged staff to work with FAC in educating Leon County's tax payers through TRIM notices that are sent out in the Fall about the impacts of unfunded mandates so citizens will be aware of where these demands are coming from. He advised that there are several counties throughout the state who are working with their Tax Collectors and Property Appraisers to do this type of citizen education. County Administrator Alam explained that in this year's budget, he hopes that the Office of Management and Budget

will be able to create a separate funding account that would show that certain costs are necessary because of the cuts that the state has made.

Commissioner Proctor:

Requested the Board's endorsement for him to attend the NAACP Rally on April 1, 2003, on the steps of the Supreme Court, 9:00 a.m. to 4:00 p.m. Commissioner Proctor explained that his aide was ill and the item was not placed on the agenda. The Board advised that the travel request could come after the fact for ratification.

Commissioner Rackleff:

- a. Wished the best of luck to the County Administrator and his daughter during the sabbatical.
- b. Advised that he was encouraged by what he has heard about the high level of participation of county commissioners from all over state to attend the Legislative events tomorrow, and advised that he would be participating. Commissioner Thael noted that there would be a press conference by FAC on the steps of Capitol between the Supreme Court and Capitol building and encouraged all to show support by attending.
- c. Reminded and invited all to participate and attend a benefit function, "Damn Yankees" play for Centennial Field.

There being no further business to come to the Board, Commissioner Proctor moved, duly seconded by Commissioner Rackleff to adjourn the meeting at 7:24 p.m.

APPROVED: _____
Tony Grippa
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court